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10 *SOILWORKS, LLC, an Arizona corporation*

11 **UNITED STATES DISTRICT COURT**
12 **IN AND FOR THE DISTRICT OF ARIZONA**

13 SOILWORKS, LLC, an Arizona
14 corporation,

15 Plaintiff / Counterdefendant /
16 Counterclaimant,

17 v.

18 MIDWEST INDUSTRIAL SUPPLY, INC.,
19 an Ohio corporation authorized to do
20 business in Arizona,

21 Defendant / Counterclaimant /
22 Counterdefendant.

NO.: 2:06-CV-2141-DGC

**SOILWORKS, LLC'S RESPONSES TO
MIDWEST INDUSTRIAL SUPPLY,
INC.'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS
AND THINGS**

23 Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Plaintiff,
24 Soilworks, LLC ("**Soilworks**") hereby responds to Defendant Midwest Industrial Supply,
25 Inc.'s ("**Midwest**") First Request for Production of Documents and Things, dated May 22,
26 2007.

27 **GENERAL STATEMENTS**

28 1. Soilworks incorporates by reference each and every general objection set forth
below into each and every specific response. From time to time a specific response may
repeat a general objection for emphasis or some other reason. The failure to include any
general objection in any specific response shall not be interpreted as a waiver of any general

1 27. All documents, things, and electronically stored information concerning any
2 and all factual bases for each and every claim set forth in Plaintiff's Complaint and/or
3 Counterclaim(s).

4 **RESPONSE: Objection.** This request is vague, overly intrusive, broad, unduly
5 burdensome and not reasonably calculated to lead to the discovery of admissible
6 evidence. This interrogatory is premature. This case is still in its early stages, and until
7 Midwest identifies its claim construction / interpretation position and provides a claims
8 chart regarding its patent(s), Soilworks cannot fully respond to this request. Without
9 waiving the foregoing objections, once the Court has entered a Protective Order which
10 is mutually agreeable to all parties, Soilworks will make responsive documents
11 available. Further, this request seeks documents which may be subject to the attorney
12 client and/or work product privileges. To the extent privileged documents exist,
13 Soilworks will provide a privilege log.

14 28. All documentary, physical, and electronically stored evidence that Plaintiff
15 may or intends to rely upon in any pleading, at trial, and/or any hearing in this action.

16 **RESPONSE: Objection.** Vague, overbroad and not reasonably calculated to the
17 discovery of admissible evidence. This interrogatory is premature. This case is still in
18 its early stages, and until Midwest identifies its claim construction / interpretation
19 position and provides a claims chart regarding its patent(s), Soilworks cannot fully
20 respond to this request. Without waiving the foregoing objections, once the Court has
21 entered a Protective Order which is mutually agreeable to all parties, Soilworks will
22 make responsive documents available. Further, this request seeks documents which
23 may be subject to the attorney client and/or work product privileges. To the extent
24 privileged documents exist, Soilworks will provide a privilege log.

25 29. Produce actual samples of Plaintiff's Products.

26 **RESPONSE: Objection.** Vague and overbroad. Durasoil® is the only
27 Soilwork's product about which an infringement argument has been made, and
28 Soilworks will only provide the requested information about Durasoil®. Without

1 waiving the foregoing objections, once the Court has entered a Protective Order which
2 is mutually agreeable to all parties, Soilworks will make responsive documents
3 available.

4 30. All documents, things, and electronically stored information, including
5 invoices, between Plaintiff and any internet entity Plaintiff uses to advertise Plaintiff's
6 Products, including, but not limited to Google and Yahoo!

7 **RESPONSE: Objection. Vague, overbroad and not reasonably calculated to the**
8 **discovery of admissible evidence.**

9 31. All documents, things, and electronically stored information regarding
10 impressions, purchasing of keywords, Keywords and "costs per click" from all search
11 engines Plaintiff advertises upon related to Plaintiff's Products.

12 **RESPONSE: Objection. Vague, overbroad and not reasonably calculated to the**
13 **discovery of admissible evidence.**

14 32. Produce a representative sampling of the history of Plaintiff's websites
15 advertising Plaintiff's Products.

16 **RESPONSE: Objection. Vague, overbroad and not reasonably calculated to the**
17 **discovery of admissible evidence.**

18 33. All organizational charts of Plaintiff from 2002 to the present time.

19 **RESPONSE: Objection. Vague, overbroad and not reasonably calculated to the**
20 **discovery of admissible evidence. Without waiving the foregoing objections, Soilworks**
21 **responds that it does not possess the requested documents.**

22 Dated this 23rd day of July, 2007.

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/s/

Amy S. Fletcher